

**FILED**

MAR 27 2009

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 THOMAS E. FRANKOVICH (State Bar No. 074414)  
 THOMAS E. FRANKOVICH,  
 2 *A PROFESSIONAL LAW CORPORATION*  
 4328 Redwood Hwy., Suite 300  
 3 San Rafael, CA 94903  
 Telephone: 415/674-8600  
 4 Facsimile: 415/674-9900

5 Attorneys for Plaintiffs  
 LES JANKEY  
 6 and DISABILITY RIGHTS  
 ENFORCEMENT, EDUCATION,  
 7 SERVICES: HELPING YOU  
 HELP OTHERS

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

11 LES JANKEY, an individual; and  
 12 DISABILITY RIGHTS, ENFORCEMENT, )  
 EDUCATION, SERVICES: HELPING )  
 13 YOU HELP OTHERS, a California public )  
 benefit corporation, )

14 Plaintiffs, )  
 15 )

16 v. )

17 JAMES LEE TRUSTEE of the PAULA )  
 LEE MARITAL TRUST (a.k.a) )  
 18 MORNING FIX CAFE, )

19 Defendant. )  
 20 )

CASE NO. CV-09-0761-BZ

**STIPULATION AND ~~PROPOSED~~  
 ORDER EXTENDING TIME FOR  
 DEFENDANT JAMES LEE TRUSTEE  
 of the PAULA LEE MARITAL TRUST  
 (a.k.a) MORNING FIX CAFE  
 TO RESPOND TO COMPLAINT**

21 Plaintiffs LES JANKEY, an individual and DISABILITY RIGHTS, ENFORCEMENT,  
 22 EDUCATION, SERVICES: HELPING YOU HELP OTHERS ("DREES"), and Defendant  
 23 JAMES LEE TRUSTEE of the PAULA LEE MARITAL TRUST (a.k.a) MORNING FIX CAFE,  
 24 by and through their respective counsel, respectfully request and make the following stipulation:

25 1. Whereas, defendant JAMES LEE TRUSTEE of the PAULA LEE MARITAL  
 26 TRUST (a.k.a) MORNING FIX CAFÉ was personally served with the summons and complaint  
 27 on March 11, 2009; and

28 ///

**STIPULATION AND ~~PROPOSED~~ ORDER EXTENDING TIME FOR DEFENDANT JAMES LEE TRUSTEE of the PAULA LEE  
 MARITAL TRUST (a.k.a) MORNING FIX CAFÉ TO RESPOND TO COMPLAINT**

CV-09-0761-BZ

1           2.       Whereas, defendant JAMES LEE TRUSTEE of the PAULA LEE MARITAL  
2 TRUST (a.k.a) MORNING FIX CAFÉ requested an extension to respond to plaintiffs'  
3 complaint; and

4           3.       Whereas, the parties are currently in negotiation to settle the above-referenced  
5 case, and wish to reduce costs and fees in so doing. However, the parties need additional time to  
6 document the terms; and

7           4.       Whereas, the parties believe it would be in the interests of efficiency and economy  
8 to extend the deadline for defendant JAMES LEE TRUSTEE of the PAULA LEE MARITAL  
9 TRUST (a.k.a) MORNING FIX CAFÉ to respond to the complaint, in order to allow time to  
10 finalize an agreement; and

11          5.       Whereas, defendant's counsel further stipulates that defendant will comply with  
12 any and all due dates dictated by the Federal Rules of Civil Procedure, the Local Rules of Court,  
13 and/or any scheduling order issued by this court prior to the date on which defendant's  
14 responsive pleading is due; and

15          6.       Whereas, plaintiffs' have agreed to grant a 30-day extension of time for the  
16 defendant to respond to the complaint.

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

**STIPULATION AND ~~PROPOSED~~ ORDER EXTENDING TIME FOR DEFENDANT JAMES LEE TRUSTEE of the PAULA LEE  
MARITAL TRUST (a.k.a) MORNING FIX CAFÉ TO RESPOND TO COMPLAINT**

**IT IS STIPULATED:**

That the last day for Defendant JAMES LEE TRUSTEE of the PAULA LEE MARITAL TRUST (a.k.a) MORNING FIX CAFE, to respond to the complaint be extended up to and including April 22, 2009.

Respectfully submitted.

DATED: March 24, 2009

THOMAS E. FRANKOVICH,  
*A PROFESSIONAL LAW CORPORATION*

By: \_\_\_\_\_/S/\_\_\_\_\_  
Thomas E. Frankovich  
Attorneys for Plaintiffs LES JANKEY and  
DISABILITY RIGHTS ENFORCEMENT,  
EDUCATION SERVICES: HELPING YOU  
HELP OTHERS

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

**STIPULATION AND ~~PROPOSED~~ ORDER EXTENDING TIME FOR DEFENDANT JAMES LEE TRUSTEE of the PAULA LEE MARITAL TRUST (a.k.a) MORNING FIX CAFE TO RESPOND TO COMPLAINT**

1 DATED: March 24, 2009

SUSAN PARKINSON, ESQ.  
LAW OFFICES OF SUSAN PARKINSON

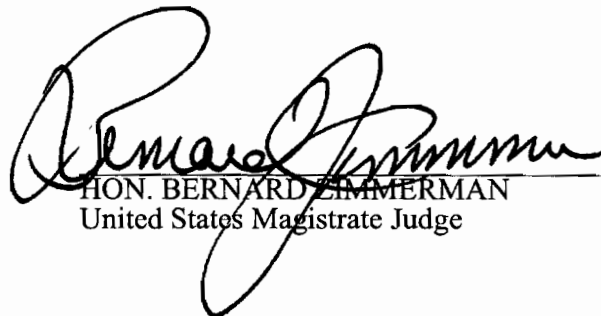
4 By: \_\_\_\_\_/S/\_\_\_\_\_  
Susan Parkinson, Esq.

Attorneys for Defendant JAMES LEE, TRUSTEE  
of the PAULA LEE MARITAL TRUST (a.k.a)  
MORNING FIX CAFE

8 **ORDER**

10 IT IS HEREBY ORDERED that Defendant JAMES LEE TRUSTEE of the PAULA LEE  
11 MARITAL TRUST (a.k.a) MORNING FIX CAFE is granted an extension of time to and  
12 including April 22, 2009, to answer or otherwise respond to plaintiff's complaint.  
13

15 DATED: 25 March 2009

16   
HON. BERNARD ZIMMERMAN  
United States Magistrate Judge

28 ~~STIPULATION AND PROPOSED~~ ORDER EXTENDING TIME FOR DEFENDANT JAMES LEE TRUSTEE of the PAULA LEE  
MARITAL TRUST (a.k.a) MORNING FIX CAFE TO RESPOND TO COMPLAINT